

Middle East

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Recent press coverage of what has been coined as 'urfi marriage' seems to bear witness to evolving sexual norms in Egyptian society today. More than to the phenomenon itself, for which no serious statistics are available, our attention should be drawn to the labelling procedures indulged by the press and 'popular literature'. Perceptions of sexuality and 'urfi marriage, and the way in which society is portrayed, reflect an attempt to incorporate the changing norms within a revived Islamic code. Reading the press, one discovers with astonishment an unleashed resentment of and blame on the youth and women.

Religious men, prominent sociologists and psychologists are recurrently invited to give not so much a scientific account, but a moral sermon about the deep-seated illness in our morally decadent society. On the other hand, however, issues of youth and sexuality are now publicly discussed and interestingly touchy, though often unaccountable, information is circulated.

A customary Islamic matrimonial institution, which has resisted the centralized registration policies of the modern nation-state by surviving alongside the Personal Status Law, 'urfi marriage requires two witnesses and a third party to oversee the contracting of marriage. 'Urfi marriages can generate social and legal problems the minute conflicts appear, since neither spouse can file a lawsuit to prove the marriage if the other denies the relationship. Other problems arise when women file for divorce or alimony, or claim any of their marital rights. In Egypt, marriage, divorce and inheritance are not governed by the Civil Code but by the *shari'a*, as progressively 'codified' in the 1920 and 1929 Laws of Personal Status. Most, if not all, of the marriages covered in the press today are not registered under this law.

That the 'urfi marriage has always existed but was much less widespread before, seems to have been forgotten in the public discourse. For instance, an 'urfi contract has been a practical way for widows to remarry while maintaining the state pension of the deceased husband. It was also a way of matchmaking across classes. In Egyptian films of the 1950s, 'urfi stereotypes portray bosses secretly marrying their lower-class secretaries while maintaining an honourable public face and life with their first wives and children, or engaging in secret liaisons with women with a dubious past. Movies thus conveyed the idea that 'urfi marriage was a halfway solution for all parties, for in the end, it was indeed permissible though not public.

Whether the revival of this customary marriage in a context of great economic pressure is a strategy of youthful social actors eager to avoid moral and religious censorship of 'illicit' relationships, or a plain transgression of socially accepted behaviour, remains to be seen. Indeed, the press in general has placed under the heading of 'urfi marriage, not only all sorts of imported (illegal) marriage contracts presumably flourishing in Egypt as of late, but also new forms of 'urfi marriage. The confusion is such that it becomes unclear whether what is at stake is a problematic acknowledgement of changing sexual norms or a wilful campaign designed to oppose an ill-judged custom. Two such confusing novelties are the *misyar*, an 'ambulant' marriage imported from Saudi Arabia whereby no economic obligations from the man are requested; and the *mut'a* marriage, which is a contract limited in time, practised among the Shiites, and perceived as being an import from Iran. Parallel to that, Egyptians have acknowledged that they are facing a serious crisis

# Perceptions of 'Urfi Marriage in the Egyptian Press



PHOTO:EGYPTE 100 ANS DE CINEMA, INSTITUT DU MONDE ARABE, EDITIONS PLUME, 1995.

the rest of her family, writes to Mutawwi, imploring him to provide a solution.

In his answer, Mutawwi<sup>1</sup> argues that if the conditions of an 'urfi marriage are fulfilled, it is then valid. He adds, however, that in this particular case, and as more widely practised today among students, such unions are immoral and invalid, because they are carried out without the acceptance of the family. Moreover, they are not made public. The mother's duty is to inform the rest of the family of the situation so that they may investigate the intentions of the young man. Should he be serious and well intentioned, the marriage should be public and turned into a legally registered contract. Should he not be serious, her daughter should be put under surveillance by returning to her mother's house. According to Mutawwi<sup>2</sup>, the daughter deviated because she had been separated from her family and affirmed that it would be reparable if the daughter be placed again under the family's guidance.

In one possible reading, the story can be said to convey two simultaneous messages: although there is a moral condemnation of youth and women, there is equally a chance to repair the situation. Youths, if left on their own, are bound by definition to immoral behaviour. But it is also possible to see how through this column and other such press releases, society is imposing a new label upon youth and university campuses. The message conveyed here by the press insists on condemning deviant and 'perverse' sexuality as allowed in 'urfi marriage, implying as it were that 'loose' sexual morals are becoming a prerogative of youth in Egypt.<sup>3</sup> The fact that 'urfi marriage (and the recent *khul'* or divorce law) became part of public debates in Egypt has brought the 'deviant youth' issue to the forefront. The *khul'* law was passed in parliament in January 2000. For the first time in the modern history of Egypt, it is considered that this law will provide a significant freedom of choice to women. The law allows wives to obtain divorces in family courts within three months if they return their dowry and give up their rights to alimony. A clause also provides for divorce in 'urfi cases.

## Responses

'Urfi marriage equals legal prostitution' is the title of one of the many al-Ahram articles on marriage in Egypt.<sup>4</sup> While the press constantly associates lustful, mostly European-looking, 'loose' women with magnified and/or invented stories about 'urfi liaisons, thus attracting a promising readership, statistics about such liaisons are seriously lacking. In a recent speech, the Minister of Social Affairs, Amina al-Guindi, stated that 'urfi marriage concerns 17.2% of Egyptian university students.<sup>5</sup> One has to take these official statistics with great precaution since no serious survey was undertaken, nor was there any explanation given on how this conclusion was reached. While the *al-Wafd* newspaper mentions that these liaisons concern 67-70% of the total number of university students,<sup>6</sup> one might wonder whether these exaggerated statistics are

concerning the institution of marriage. Their sexual customs are changing and they seem to face a deadlock in dealing with the growing number of professional, divorced and single women – at least this is what is echoed in the Egyptian press. The spread of what are often mere partnerships, abusively called 'urfi marriages, among young students at the preparatory, high school, and university levels, has become the main target of tabloid and national papers. Because the 'urfi marriage is part of Islamic law, *ulamā'* increasingly express their views on the state of matrimonial affairs. This has led to diverging views within their ranks. Scores of often contradictory fatwas have been issued on whether one should validate the new forms of 'urfi or refute them altogether, along with *misyar* and *mut'a*.

The following story is drawn from 'Abd al-Wahhab Mutawwi's popular al-Ahram Friday column, 'Barid al-Jum'a' (Friday's Letters). A far cry from traditional 'Letters to the Editor', these letters often take on the form of biographical narratives seeking solutions to personal dramas and possess all the ingredients and melodramatic overtone of potential Arabic soap opera films.

## Deviant youth

The story entitled 'The Unexpected Visit', is told by a 50-year-old woman<sup>7</sup> who says by way of introduction that she has been quite content with her life – a modest and honest one. As a recent widow, she states her pride in having raised her three children who became successful in their professional and personal lives, with the exception of her youngest daughter, who did not obtain the degrees necessary to enter any of the universities in Cairo. The daughter thus decided to complete her undergraduate studies at a provincial university. The mother consented to her daughter's travelling to the province and sharing a flat with other female students. Problems, it seems, began during her second year there, when the mother noticed her daughter dressing up in tight trousers, leggings and short skirts. Doubting her daughter's conduct, she decided to pay her an unexpected visit, only to discover that her daughter no longer lived with her female colleagues. To her dismay, she learned from a letter found in the flat that her daughter had contracted an 'urfi marriage. In a desperate tone, the mother, who has hidden the humiliating story from

■  
**Faten Hamama  
and Omar Sharif  
in La Dame du  
Chateau.**

■ part and parcel of the diffuse ideology condemning the youth.

The general acknowledgement of changing sexual norms has prompted the sheikh of al-Azhar to pronounce a fatwa on the ‘*urfi*’ issue. The fatwa allows ‘*urfi*-wed women to divorce – a way of reckoning this reality in an attempt to rescue those trapped in it and wishing to remarry legally, without being otherwise liable to charges of bigamy. Earlier, Majma‘ al-Buhuth al-Islamiyya, al-Azhar’s Islamic Research Academy, demanded the inhibition of ‘*urfi*’ practices in an attempt to quell a phenomenon otherwise permissible from the Islamic standpoint, but which is growing out of control.<sup>6</sup> Sheikh al-Azhar (Sheikh Tantawi), in an interview, questioned the validity of ‘*urfi*’ marriage since it contradicted the order of the state. He pleaded for the punishment of those who practise it.<sup>7</sup> His statements, however, raised so much controversy that he was obliged to back down. The mufti of Egypt, Nasr Farad Wasil, recently stated again that ‘*urfi*’ as practised in Egyptian universities, is *fasid* and *batil*, invalid and illegitimate, and that the restoration of the hymen is only valid in the case of rape.<sup>8</sup>

### Changing norms

In a society where 65% of the population is under 30 years of age, the youth becomes more visible, and is seen mixing in the re-shaped public spaces such as popular cafés, clubs, shopping centres, cinemas, and fast food restaurants, all of which have multiplied in the last decade. Parallel to the growing Islamization of public space, the youth has been equally experiencing a certain ‘relaxation of norms’, exemplified by the growing cross-class intermingling in Cairo. Young girls wear Islamic attire and move freely, not hiding their flirting with their boyfriends. Sexuality for the middle classes is still very much bound by the notion of chastity, at least officially, as discourses continue about virginity and preservation of the hymen. Furthermore, no marriage is possible without substantial financial assets and a flat: In a country suffering an acute housing crisis, it is

no wonder that sociologists have observed in the last decades that the average marriage age is increasing. If it is true that ‘*urfi*’-like marriages have become widespread on Egyptian campuses – as the press likes to make us believe – one may argue that this generation has been smart in solving the growing sexual tensions in a society that idolizes marriage and is rigid in conventions regarding the financial requirements of the institution. One may even speculate over the spread of ‘*urfi*’ marriages as a hidden protest of second-generation post-Islamist youths. Some may be inspired by the example of the radical activists of the 1980s and early 1990s, when certain Islamist groups, through condemning contemporary society as *jahiliyya* (literally, ignorant; contextually, pagan or pre-Islamic), isolated themselves in ‘Islamic’ communes that allegedly took to match-making and exchanging women within the group. In a recent incident, a group of *mutarrifun* (extremists) was found to be marrying without contracts. The *gama‘a* consisting of ten members, among whom four were women, justified theft by referring to corruption in society, and thus raided apartments, stealing Qur’ans and watches from mosques to redistribute them within the group.<sup>9</sup> These new Muslim Robin Hoods redefined accessibility of women within the confines of the group and invented their own sexual conduct.

A quick glance at Cairene bookshops reveals that the theme of the ‘Woman’ has come to occupy a large part of contemporary male Egyptian fantasies. The covers of popular books convey images of women as sex bombs, over-eroticized and devilish creatures. In his *Permissible Prostitution: The Modern Institution of Marriage in Egypt, Saudi Arabia and Iran* (Cairo: Dar al-Khayal, 1997), ‘Abdallah Kamal aims at exposing the various institutions of what he calls ‘legalized’ prostitution which, according to him, are the *mut‘a*, *misyar* and ‘*urfi*’ contracts. He places the major blame on the Saudis, whom he holds responsible for the spread among Egyptians of what he calls the ‘contracts of adultery’ (*uqud al-zina*’).

Apart from so-called ‘*urfi*’ contracts, *mut‘a* and *misyar*, Egyptian tabloids have made a veritable sport of providing long lists of imported, revived or even invented contracts. The much talked about *misyar*, whereby cohabitation is not required and the wife is not endowed with a residence, was authorized by the late Saudi mufti, Sheikh bin Baz. Many Egyptians saw no reason not to follow this example. Whereas the former rector of al-Azhar, Sheikh Sayyid Mas‘ud, considered *misyar* improper since housing and alimony were dispensed with, the mufti of Egypt, Nasr Farid Wasil, has authorized it, arguing that there are practical reasons for allowing it. One of his justifications was the scarcity of men, resulting from immigration to the Gulf countries.<sup>10</sup>

Others attribute the success of *misyar* in Egypt to its legitimization by Sheikh Yusuf al-Qaradawi, Egyptian Muslim Brother and Azharite, in his now famous television declaration in Qatar, in which he emphasized the *halal* aspect of *misyar* which lies in the fact that women themselves desire such unions.<sup>11</sup> He justified the *misyar* contract by arguing that if a woman is rich and a professional, she does not need financial support. It is a way for rich women to separate sexuality from obligations. Nevertheless, al-Qaradawi’s position stirred strong controversies among other Azahrates, who argued that *misyar* was invalid.

It may well be that television programmes broadcasting pornography are contributing to the evolution of Egyptian sexual norms, but is pornography one of the main reasons why ‘*urfi*’-like contracts have spread in Egypt? Egyptians, we are told, are forgetting their religious duties. While the government is busy cracking down on Islamists, the press is openly bringing about the issue of changing sexual behaviour as if it were a national threat. The feminists and some of the ‘*ulama*’ for once are united by their common stance on current forms of ‘*urfi*’, treating them as disguised prostitution. What may really be at stake is the process of circumventing a most powerful institution in Egypt: the eternal and omnipotent family.

Yet in the absence of the subversive ideologies that dominated in the late 1960s and 1970s, this generation is far from rebelling against conventions. It might well be that the official religious discourse, while being state supported or at least silently encouraged to cut the ground of the Islamists, is determining strategies of resistance among the youth. By means of ‘*urfi*’ and similar types of contracts, they seek halfway solutions that at least ease sexual tensions. These are found in re-inventing an elastic code of conduct that still remains within the confines of what is thought to be ‘Islamic’ and therefore permissible. ◆

### Notes

1. *Al-Ahram*, 31 March 2000.
2. Wafa’ Sha‘ira, *Rose el Youssef*, 12 May 1997; Iqbal al-Sib‘i, *Rose al Youssef*, 16 November 1998.
3. Sa‘id Salah, *al-Ahram*, 19 June 1999.
4. *Al-Akhbar*, 30 April 2000.
5. Nadia Mutawwi‘, *al-Wafd*, 1 October 1999.
6. *Al-Wafd*, 7 May 1999; *al-Arabi*, 21 May 1999; *Cairo Times*, 13-26 May 1999.
7. Sami Muhammad Mitwalli al-Sha‘rawi, *al-Arabi*, 21 May 1999.
8. *Al-Akhbar*, 18 April 2000.
9. Ahmad Musa, *al-Ahram*, 6 November 1999.
10. *Akhbar al-yawm*, 26 September 1998.
11. *Al-Ahram*, 24 August 1998.

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